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filing a *nolle prosequi* and the judge refusing to enter it. Petition for mandamus commanding Judge Newcomer to enter of record this *nolle prosequi* was denied, on the ground that the power of the State's attorney to enter *nolle prosequi* was not absolute, but was subject to the consent of the court. *People ex rel Hoyne v. Newcomer*, (Ill. 1918), 120 N. E. 244.

At common law, in England, the power to enter a *nolle prosequi* was lodged exclusively in the attorney general, *Regina v. Dunn*, 1 Car. & Kir. 730, and it was absolute, *Queen v. Allen*, 1 B. & S. 850. In the United States the prevailing rule is that the prosecuting officer has the same power in this regard at the attorney general in England. *Lizotte v. Dloska*, 200 Mass. 327; *People v. District Court*, 23 Colo. 466; 16 Cor. Jur. 434. But there are a few cases which support the rule of the principal case. *Denham v. Robinson*, 72 W. Va. 243, Ann. Cos. 1915 D, 997; *State v. Moody*, 69 N. C. 529. In others it is held that the court is necessary for a *nolle prosequi* after the trial commences to the jury, *State v. Roe*, 12 Vt. 93; *State v. Hickling*, 45 N. J. L. 152. In some states the consent of the court is expressly required by statute, *Statham v. State*, 41 Ga. 507; *People v. McLeod*, 1 Hill (N. Y.), 377, 405.

EMINENT DOMAIN—CONDEMNATION FOR CANTONMENT.—In proceedings by the Government to acquire for temporary use land for construction of a military camp it was held that the owner was entitled to rental value based on the value of the land without improvements, and to compensation for improvements which will necessarily be destroyed, and in addition the Government should obligate itself to return the land in as good condition as when taken, or to make compensation for future injuries due to the military use. *In re Condemnation of Lands for Military Camps*, 250 Fed. 314.

Many delicate questions have arisen from the construction of our cantonments. Under the Act of July 2, 1917, C. 35, 40 Stat. 241, the Secretary of War was authorized to institute proceedings in court to condemn temporary use of land, or other interest therein, in the meantime taking immediate possession thereof. Under this power farmers, in some cases at least, were paid a flat rental of \$5 per acre for their farms, with no assurance of any allowance for permanent injuries from the cutting of trees or impairment of the land by reason of the packing of the soil. Claims against the Government are very uncertain and expensive luxuries in many cases. Some Civil War claims are still before the Court of Claims and some despairing of the judicial route, or not being willing to submit to judicial investigation, are constantly before Congress. The rule of damages laid down in this case is fair, but the fairest provision is that the court will keep jurisdiction of the case till future damages can be assessed. This is an especially equitable disposal of the case, and saves the land owner from the doubtful remedy of a suit against the Government.

LIBEL.—PUBLICATION—DICTATION TO TYPIST.—W, a solicitor, in dictating to his typist a bill of costs, to be sent to his client, as a matter of office routine, inserted in the bill, without malice, information which was defamatory to plaintiff, though relevant and reasonably necessary to enable the client